S.B. Criminal Misc. Bail Application No.2582/2006
Date : 04.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Sandeep Mehta for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor.
Mr. M.K. Garg for complainant.

By this application under Section 439 Cr.P.C., the applicants have sought bail in FIR No.133/2006, Police Station Sadar Kotwali, Jodhpur for the offence under Sections 498A, 304 B and 324 IPC.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the case diary and the impugned order.

The contention of learned counsel for the applicants is that in this case accused-applicants are ladies and they have been falsely implicated in the case and there is no allegation against these ladies for setting on fire deceased Jebu Nisha. He submits that whatsoever statements recorded during the course of the investigation, it does not reveal that cruelty was committed by the accused applicants against the deceased. He further submits that only in cursory way it was stated that the applicants used to taunt the deceased. He also submits that all the allegations are made in the FIR as well as in the statement are against the husband, therefore, looking to the facts and circumstances of the case, the accused-applicants

may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that it is offence against society, therefore, the accused-applicant may not be enlarged on bail.

I have considered the submissions made before me and perused the case diary and also carefully perused the statements of three witnesses namely Smt. Allahrakhi, Smt. Jarina and Smt. Narsim Bano.

After carefully scrutinizing the evidence of above witnesses, without expressing any opinion on the merit of the case, nd circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant (1) Sameem Bano wife of Ashik and (2) Hamshira wife of Sahabudeen shall be released on bail in FIR No.133/2006 P.S. Sadar Kotwali, Jodhpur provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.